



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 18, 2015**

On this 18th day of August 2015 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Frank Garza

Also present: Jose Pena, IT Director; Maria Barrera, Finance Director; Veronica Ramirez, Human Resources Director; David Salinas, Public Utilities Director; Pete Garcia, Public Facilities Director, Chief Tony Lopez, Fire Department; Chief Stephen Mayer, Police Department; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Arnold Becho, Library Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, July 17, 2015.

B. Invocation.

Reverend Rosalio Martinez from Primera Asamblea de Dios Templo Church led the invocation.

C. Pledge of Allegiance.

The Mayor led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognitions.

Mayor Suarez recognized and proclaimed "The University of Texas Rio Grande Valley Day" be on August 31, 2015 and further proclaimed that the flag of The

University be on flown on August 31, 2015, in honor of the university's opening. Mr. Richard Lopez received the proclamation.

Mayor Suarez recognized the Weslaco Krush 2015 Pony South Zone World Series Champions. Mayor Suarez recognized the Purple Blaze on the occasion of their First National Tournament.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

There were no public comments received.

III. PUBLIC HEARINGS

Commissioner Tafolla, seconded by Commissioner Kerr, moved to open the public hearing for items III. A-F concurrently at 5:50 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

- A. To solicit input on behalf of Jessica Perez Pena to approve a Conditional Use Permit to operate a daycare center at 600 S. Westgate Dr., also being Lot 2, Norma Jean Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received from the public.

- B. To solicit input on behalf of Irma Valerio Salinas to approve A Conditional Use Permit to operate an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision, Weslaco, Hidalgo County, Texas.

Mr. Richard Vaughan expressed concerns about limited parking spilling onto his adjacent business.

- C. To solicit input on behalf of Adela M. Gonzalez to approve the rezone of 1411 W. 18th Street, also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District.

Mr. Buddy Ault objected to the rezone. He stated he owned property in the area and did not feel the area was ready to become a business district.

- D. To solicit input on behalf of Adela M. Gonzalez to approve a Conditional Use Permit to operate an event center at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received from the public.

- E. To solicit input from the public regarding the City of Weslaco proposed budget for Fiscal Year 2015-2016.

There were no other comments received from the public.

- F. To solicit input from the public regarding the City of Weslaco ad valorem property tax rate, assessed at the same rate as last year, \$0.6767/\$100.00 valuation, pursuant to §26.05(d) of the Texas Tax Code.

There were no other comments received from the public.

Commissioner Taffola, seconded by Commissioner Rivera, moved to close the public hearing at 5:57 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the following:
- 1) Regular Meeting on August 4, 2015;
 - 2) Special Meeting on August 10, 2015. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of Ordinance 2015-21, amending Ordinance 2014-11 establishing the Municipal Budget for Fiscal Year 2014-2015, and approving a budget amendment in the amount not to exceed \$350,000.00 to acquire two ambulances for the Fire Department. (First Reading held August 4, 2015; Staffed by Fire Department.) Attachment.
- C. Approval of the lease agreement with IDEA Weslaco Pike for the use of the Mayor Pablo G. Pena City Park Tennis Courts, September 1, 2015 - May 31, 2016 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- D. Approval of the request by Valley Nature Center to utilize Gibson Park on November 14, 2015 from 12 noon – 10 p.m. for Brew in the Woods, and authorize the Mayor to execute any related documents as may be required, and waive any fees that may be associated with the event. (Staffed by Parks and Recreation Department.) Attachment.
- G. Approval to declare and dispose of additional surplus property from various

departments through a public auction as per Ordinance No. 86-08, through Valley Wide Auction Services at the Public Facilities building on August 29, 2015, and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.

- H. Approval of the renewal of an agreement with the Drug Enforcement Administration for fiscal year 2015-2016 for participation in the local HIDTA task force and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- I. Approval of the renewal of an agreement with the Children's Advocacy Center of Hidalgo Co. Inc. and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve the consent agenda items A, B, C, D, G, H and I as presented and withhold items E and F from the consent agenda for discussion. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Approval of the renewal of the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of four (4) months September 1 - December 31, 2015, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

Mayor Pro-Tem Noriega stated she would recommend approving a month to month lease agreement and have a standardized agreement be in place to allow other teams to submit a request for use of the premises as well.

In response to Commissioner Fox, Mr. David Arce stated as many as 20 teams will use the fields this season for football and expressed concern about consistency for the teams.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term month-to-month, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Approval of the renewal of the Lease Agreement with Mid Valley Youth Soccer League for the use of Pablo G Pena City Park Soccer fields for a term of four (4) months September 1 - December 31, 2015, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve the Lease Agreement with Mid Valley Youth Soccer League for the use of Pablo G Pena City Park Soccer fields for a term month-to-month, and authorize the Mayor to execute any related documents month to month lease agreement. The motion carried

unanimously; Mayor Suarez was present and voting.

V. OLD BUSINESS

- A. Discussion and consideration to replace Water Plant Filter Gallery Valves on Plants 2, 3, and 4 as recommended by Briones Consulting & Engineering. Possible action. (This item was tabled August 4, 2015; Staffed by Public Utilities Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Fox, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena moved to discuss the item.

Mr. Rolando Briones, Briones Consulting & Engineering, recommended replacing the valves, reviewing the timetable and bid process. Completion of the project may be by the end of the year and the \$42,699.00 needed for the additional work could come from the contingency fund.

Mr. David Salinas concurred with the recommendation stating the valves in place showed signs of holes and leakage. Mr. Oswaldo Garza, OMI, also recommended replacement, explaining the condition of these valves could not have been evaluated until the plants were off-line.

In response to the City Manager, Mr. Hauffman, CCI, explained it would have taken about one week to inspect the valves but to do this the plants go off-line which reduces plant capacity. City Manager stated the project needs to be completed but felt the City hired an engineering firm to conduct due diligence to evaluate the plant.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez changed the order of the day and moved to Items VI. Q, R, S and T.

VI. NEW BUSINESS

- Q. Discussion and consideration to renew Health Insurance with Blue Cross Blue Shield and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment.

Commissioner Fox abstained from discussion on all items and vote and at this time left the Dias.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve.

The City Manager stated the terms of renewal would have an increase of 32%. The

recommendation is not to renew and go out for proposal through Tamez Financial Services.

The motion failed unanimously; Mayor Suarez was present and voting.

- R. Discussion and consideration to modify plan adjustment of health insurance rates with Blue Cross Blue Shield and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment.

As the preceding item failed, there was no action required on this item.

- S. Discussion and consideration authorize staff to solicit proposals from qualified insurance carriers for Group Health Insurance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment.

Commissioner Tafolla, seconded by Mayor Pro-Tem Noriega, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- T. Discussion and consideration to amend Valley Risk Consultant contract to include consultant service for city's Group Health Insurance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment.

The City Manager recommended utilizing Valley Risk Consultant, the same authorized last meeting to assist with general liability insurances, to assist in the bid process for the Group Health Insurance.

Mayor Pro-Tem Noriega, seconded by Commission Kerr moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Fox returned to the Dias at this time. Mayor Suarez resumed the order of the day with item VI. New Business item A.

- A. Discussion and consideration after public to schedule a record vote September 1 and 15 regarding the City of Weslaco proposed budget for Fiscal Year 2015-2016. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment.

Mayor Pro-Tem, seconded by Commission Pena, moved to approve the item as presented. By roll call vote, the motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration after public hearing on behalf of Jessica Perez Pena to approve a Conditional Use Permit to operate a daycare center at 600 S. Westgate Dr., also being Lot 2, Norma Jean Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.)

Attachment.

Mr. Mardoqueo Hinojosa stated eleven property owners were notified and the property has been used as a daycare previously; three letters of support were received. Planning & Zoning Commission and staff recommend approval.

Mayor Pro-Tem Noriega, seconded by Commission Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration after public hearing on behalf Irma Valerio Salinas to approve Conditional Use Permit to operate an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision Possible action. (There was no action on this item July 7, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera moved to approve.

Mardoqueo Hinojosa stated eighteen property owners were notified. Planning and Zoning recommended approval subject to conditions that occupancy would be based on parking stalls of 64 (192 occupancy) and sprinkler system be installed. Staff also recommends approval with conditions. Mr. Hinojosa stated the parking stalls was a combination of three properties to include the site owned by the applicant and a recorded agreement to that affect would be needed.

Ms. Valerio Salinas addressed the dais stating she agreed to ninety-nine occupancy because she would not be able to meet the parking requirements nor the requirement of the installation of a sprinkler system.

The City Attorney clarified the installation of the sprinkler system cannot be waived. The Planning and Zoning Commission approved if occupancy was less she would need less parking spaces and they did not waive the requirement of the sprinkler system as required by ordinance.

Mayor Pro-Tem Noriega expressed concern with the liability involved if compliance of codes is not met and recommended to table for further review until the next meeting. Commissioner Tafolla, seconded by Commissioner Rivera, moved to rescind the original motion.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to table for further clarification. The motion carried with Commissioner Pena opposed (6-1); Mayor Suarez was present and voting. The City Attorney clarified there is no occupancy permit issued and should not be operated as an event center.

- D. Discussion and consideration after public hearing on behalf of Adela M. Gonzalez to approve Ordinance 2015-22 to rezone 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District Subdivision. First Reading of Ordinance 2015-22. Possible action. (Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

The City Attorney recommended discussing item D and E after Executive Session as the items are related to item L. Mayor Suarez changed the order of the day for item D and E.

- E. Discussion and consideration after public hearing on behalf of Adela M. Gonzalez to approve Conditional Use Permit to operate an event center at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

The City Attorney recommended discussing item D and E after Executive Session as the items are related to item L. Mayor Suarez changed the order of the day for item D and E.

- F. Discussion and consideration on behalf of Irma C. Herrera to approve the Final Plat for Carmona Subdivision, being a 0.269 acre Tract of Land being all of Lot 5, Block 7, Villa Verde Subdivision, Weslaco, Hidalgo County, Texas, located on the West side of Tulipana Avenue, 395 feet South of 25th Street. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa reviewed the subdivision layout located in the Extraterritorial Jurisdiction. The item was approved by Planning and Zoning Commission granting the variance for the fire hydrant, lot requirement and sidewalks. The street lights need to be installed. Staff also recommends approval.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve as recommended. The motion carried unanimously. Mayor Suarez was present and voting.

- G. Discussion and consideration on behalf of Melesio Solis to approve the Final Plat for M. Solis Subdivision, being a 1.53 acre Tract of Land being all of Lot 1, Don Foster Subdivision, Weslaco, Hidalgo County, Texas, located on the North side of Mile 12 ½ North, approximately 1200 feet West of Mile 4 West. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mardoqueo Hinojosa reviewed the subdivision layout located in the Extraterritorial Jurisdiction and stated the applicant requested variances to sanitary sewer, sidewalk and fire hydrant requirements. The Fire Chief recommended a fill valve to provide

access to some water, noting a two-inch line. The City Manager commented that though it is a great idea, the same was not applied to the last item; he directed the Fire and Code Enforcement departments to develop a policy and work with North Alamo Water Supply Corporation

Commissioner Pena, seconded by Commissioner Kerr, moved to approve as presented.

Mayor Suarez, seconded by Commissioner Pena moved to amend original motion to accept the variances. The motion carried unanimously. Mayor Suarez was present and voting.

The original motion carried unanimously. Mayor Suarez was present and voting.

- H. Discussion and consideration to approve Change Order #1 and #2 for Request For Bids 2014-15-13-Utah Avenue Waterline Improvements in an amount not exceed \$14,173.40 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mardoqueo Hinojosa stated Change Order No. 1 included an additional gate valve, tee and PVC line to connect an existing line. The Change Order 2 will eliminate an issue found that has an existing tee capped with no water extension. The change order will provide better service to residents. Staff recommends approval and the project remains under budget.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- I. Discussion and consideration to approve a general service contract with Accela Inc. for software and implementation services in an amount not to exceed \$35,955.55 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated quotes were received for software applications that will improve Planning and Code Enforcement efficiency and allow interaction with the departments for information. Developers will be able to submit online permit applications and track the status of them. IT staff will process implantation in phases and recommends approval.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- J. Discussion and consideration to approve Ordinance 2015-23 amending Ordinance 2014-15 to provide for the disannexation of certain unimproved area from the territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas and ordain other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First Reading of Ordinance 2015-23.

Possible action. (Staffed by City Secretary's Office.) Attachment.

Commissioner Kerr abstained from discussion and vote and submitted a conflict of interest affidavit. The City Secretary noted this item may be related to the boundary issue identified as an Executive Session item and explained that both the Cities of Donna and Weslaco claim the same farm tract, with about three residences and ten registered voters; staff recommends disannexing that single tract to alleviate issues during the upcoming election.

Commissioner Pena, seconded by Commissioner Tafolla moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- K. Discussion and consideration to approve an agreement with the Hidalgo County Criminal District Attorney's Office for fiscal year 2015-2016 for assistance with seized assets and funds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

Lt. De la Cerda stated this agreement has been in place and the District Attorney revised the distributive share, tilting in favor of local law enforcement: the reimbursement percentage increased to 60% to the local entity and 40% to the State versus 50/50 and seized property and vehicles the local entity percentage would be 75% versus 50/50 as well.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- L. Discussion and consideration to approve an interlocal cooperation agreement with the Lower Rio Grande Valley Development Council for the equipment from the FY2011 Homeland Security Grant Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment.

Mr. George Garret stated this agreement closes out a 2011 grant; the equipment is in place.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- M. Discussion and consideration to approve a contract with Severn Trent for the water, wastewater, and lift station operations and authorize the Mayor negotiate the terms and to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- N. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Proposals for solid waste collection services. Possible

action. (Staffed by City Manager's Office.) Attachment.

Commissioner Pena, seconded by Commissioner Rivera moved to award the bid. Mayor Pro-Tem Noriega stated there was no increase to the residents and the same company would be servicing the residents. Commissioner Pena rescinded the motion.

Commissioner Pena, seconded by Commissioner Rivera, moved to award Republic Services as the best qualified, most advantageous respondent to the Request for Proposals for solid waste collection services authorized the Mayor to negotiate the terms and execute any related documents. The motion carried unanimously. Mayor Suarez was present and voting.

- O. Discussion and consideration to authorize the Mayor to represent the City of Weslaco at the Little League World Series. Possible action. (Staffed by City Manager's Office.)

Commissioner Pena, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- P. Discussion and consideration to authorize the solicitation of Requests for Proposals for external auditor professional services. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager stated this action is for auditing services; the maximum term recommended with the same auditor is five years, typically three years.

Commissioner Pena, seconded by Commissioner Fox, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- U. Discussion and consideration to award Buyboard or HGAC contract for the lease purchase for two (2) ambulances in the combined amount not to exceed \$350,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

Chief Lopez explained that the money was put in place by ordinance, this action is to procure through either Buyboard or HGAC; since Station 1 runs the most calls, he expects that location will get one ambulance.

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

- V. Discussion and consideration to award Bid Package #14 – Plant 4 Clarifier to the lowest responsible bidder as recommended by CDM Constructors Inc., and authorize the Mayor to execute all related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to award Bid Package #14 – Plant 4 Clarifier to Balch Machine Company as the lowest responsible bidder bid amount of \$174,090.00 as recommended by CDM Constructors Inc., and authorize the Mayor to execute all related documents. The motion carried unanimously. Mayor Suarez was present and voting.

Mr. David Salinas clarified the bid amount is \$3,000 more than previously discussed because it includes the requisite performance bond.

Mayor Suarez changed the order of the day and moved to item X.

- X. Discussion and consideration to terminate the Professional Services Agreement for Legal Services of the City Attorney for the City of Weslaco with the current City Attorney and to authorize the 60-day termination notice be sent as required by §1.06 of the Professional Services Agreement for Legal Services for the City of Weslaco. Possible action. (Requested by Commissioners Kerr and Fox.)

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve as presented.

The City Manager recommended discussing in executive session and requested Mr. JR Garza be present for attorney consultation to address legal questions pertaining to the Agreement. The City Attorney cautioned the dais they could be waiving attorney client privilege as a result of their discussion in an open session and may expose themselves individually.

In response to Commissioner Fox, Mr. JR Garza commented he could not answer a legal question concerning the order of the agenda and action, if any, unless they are in executive session as he is not the City Attorney. As the City Prosecutor he may assist the Commission in executive session only when requested.

Mayor Pro-Tem Noriega believes qualifications should always be solicited, but the City Attorney should be given the opportunity to explain and should be done in executive session to address their concerns and a course of action.

Commissioner Kerr stated the public has a right to know monies that are being spent in legal fees. Mr. JR Garza stated generally going out for bids for a contract when one already is awarded is not a practical thing to do.

Commissioner Kerr called for the question. By roll call vote, the motion passed with the Mayor, Mayor Pro-Tem and Commissioner Pena opposed (4-3).

- W. Discussion and consideration to seek Requests for Qualifications for Professional Legal Services as City Attorney for the City of Weslaco. Possible action. (Requested by Commissioners Kerr and Fox.)

Commissioner Kerr, seconded by Commissioner Fox, moved to approve as

presented. The motion carried unanimously. Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 7:50 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 9:10 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- D. Discussion and consideration after public hearing on behalf of Adela M. Gonzalez to approve Ordinance 2015-22 to rezone 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District Subdivision. First Reading of Ordinance 2015-22. Possible action. (Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr noted his conflicts affidavits on file and abstained from discussion and vote on this item.

Commissioner Tafolla, seconded by Commissioner Pena, moved to table items D and E until more information is presented from the Engineer. The motion carried unanimously. Mayor Suarez was present and voting.

- E. Discussion and consideration after public hearing on behalf of Adela M. Gonzalez to approve Conditional Use Permit to operate an event center at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

Please see previous item. Commissioner Kerr noted his conflicts affidavits on file and abstained from discussion and vote on this item.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

- B. Personnel – Discussion regarding the transition from self-performance in the water and wastewater systems, including Public Utilities Director David Salinas, Public Utilities Assistant Director Trinidad Cantu, and other affected employees as authorized by §551.074 of the Texas Government Code.

Commissioner Fox, seconded by Commissioner Rivera, moved to approve a 30-day

severance pay to affected employees who remain with the City through September 30, 2015. The motion carried unanimously. Mayor Suarez was present and voting.

- C. Legal Consultation - Consultation with City Attorney to seek a legal opinion regarding the CDM and Briones Engineering contracts pursuant to §551.071 and/or §552.071 of the Texas Government Code.

There was no action on this item.

- D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- E. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Union) as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- F. Pending Litigation – Consultation with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to authorize the Mayor to execute settlement agreement with Richard Stubbs regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as discussed in Executive Session. The motion carried unanimously. Mayor Suarez was present and voting.

- G. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Chicken Hatch as authorized by §551.087 of The Texas Government Code.

There was no action on this item.

- H. Contract Negotiation - Consultation with City Attorney on the contract with the Valley Nature Center as authorized by §551.0725 of The Texas Government Code.

There was no action on this item.

- I. Pending Litigation – Discussion with City Attorney regarding C-2317-13-H *Division 16 Construction Corporation, Plaintiff, v. City of Weslaco, Defendant* as authorized

by §551.071 of the Texas Local Government Code.

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to authorize the Mayor to execute the settlement agreement regarding C-2317-13-H *Division 16 Construction Corporation, Plaintiff, v. City of Weslaco, Defendant* as discussed in Executive Session. The motion carried unanimously. Mayor Suarez was present and voting.

- J. Pending Litigation - Consultation with City Attorney regarding Civil Action No. 7:15-cv-334 *Alvino Flores, Sr. v. Sergio Ramirez, et al.* in the United States District Court for the Southern District of Texas as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- K. Legal Consultation - Consultation with City Attorney regarding city limit and extraterritorial jurisdiction (ETJ) boundary issues with City of Donna, Texas pursuant to §551.071 and/or §552.071 of the Texas Government Code.

Commissioner Kerr abstained from discussion and vote for this item and filed a conflict of interest affidavit.

Commissioner Tafolla, seconded by Commissioner Pena, moved to authorize the City Attorney, Mayor and Commissioner Tafolla to proceed as discussed in executive session regarding city limit and extraterritorial jurisdiction (ETJ) boundary issues with City of Donna, Texas. The motion carried unanimously. Mayor Suarez was present and voting.

- L. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- M. Pending Litigation - Discussion with City Attorney and Special Counsel regarding Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §571.074 of the Government Code.

Commissioner Kerr abstained from discussion and vote for this item and filed a conflict of interest affidavit.

Commissioner Pena, seconded by Commissioner Rivera, moved to authorize the Mayor and Commissioner Fox to negotiate terms and conditions as discussed in Executive Session regarding Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* The motion carried unanimously. Mayor Suarez was present and voting.

IX. ADJOURNMENT

With no other business before the Commission, at 9:14 p.m. Commissioner Pena, seconded by Commissioner Kerr, moved to adjourn the August 18, 2015 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, David R. Fox

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III